



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

MAR 11 2010

Re: **Broadview Hotel, 440 W. Douglas Avenue, Wichita, Kansas**
Project Number: 22263

Dear

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you,

for meeting with me in Washington on December 15, 2009, and for providing a detailed account of the project. I also thank of the Kansas State Historical Society and of the City of Wichita for participating in the meeting via conference call.

After careful review of the complete record for this project, including the information submitted immediately after our meeting, and the elevation drawings for the walkway transmitted by

with her letter dated January 29, 2010, I have determined that the new walkway will not significantly diminish the historic character of this "certified historic structure." Accordingly, I find that the proposed rehabilitation of the Broadview Hotel is consistent with the historic character of the property, and that the project meets the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued by TPS on October 9, 2009, is hereby reversed.

Built in 1922, the Broadview Hotel was listed individually in the National Register of Historic Places on June 19, 2009. The hotel is located on a corner, facing south along West Douglas Avenue and east along North Waco Street. A two-story concrete addition (ca. 1975) attaches to the hotel at its northeast corner. The new walkway would connect this hotel addition to a parking structure (1988) across North Waco Street. In its review, TPS found that the elevated walkway spanning North Waco Street "altered the building's historic character, and its site and environment to an unacceptable degree," contravening Standards 2 and 9 of the Standards for Rehabilitation.

As a general matter, I agree with TPS that elevated walkways almost always impair the character of historic buildings to which they are added, and can be accepted only rarely as part of a certified rehabilitation. However, after careful study, I have determined this to be a rare instance in which an historic building can be connected to an elevated walkway without occasioning a significant loss of historic character. The Broadview Hotel sits on a corner and features two principal, and nearly identical, facades facing downtown Wichita. The new walkway will be at the opposite end of the building, which historically faced railroad yards, and thus will not impair the view of the structure from the historically primary approach at the corner of West Douglas Avenue and North

Waco Street. It will connect to the 1975 addition, not to the hotel itself, and thus will not damage historic fabric or character-defining features. While connected at the level of the second floor, its use as an entrance to the building proper will not reorient the Broadview Hotel, damage historic fabric on the interior, or re-order historic circulation patterns. Finally, the walkway is designed to be as transparent as possible, utilizing a full-height steel truss with light members to achieve the required strength and clad with a curtain wall glazed floor-to-ceiling with clear glass.

I therefore find that, in this case, the overall impact of the walkway will be minimal, and that this element of the proposed rehabilitation will not cause the project to contravene the Secretary of the Interior's Standards for Rehabilitation, and in particular Standard 2, setting forth the basic approach to all changes to historic buildings, and Standards 9 and 10, on treating new additions. Standard 2 states: *"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."* Standard 9 states: *"New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."* Standard 10 states: *"New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."*

As I noted above, elevated walkways are rarely acceptable. The particular circumstances, including the siting of both the Broadview Hotel and the walkway, are unique. I would not expect that these circumstances would occur often, even in the case of a broadly similar building.

Although I am reversing TPS's decision, please note that my review extends only to the proposed construction of the elevated walkway. As we discussed at our meeting, other elements of the Broadview Hotel rehabilitation have yet to be determined, and therefore have not been reviewed by the National Park Service. These elements must be described in application amendments and submitted to TPS through the Kansas State Historical Society as soon as they are available. Designation of the rehabilitation as a "certified rehabilitation" eligible for the 20% Federal investment tax credit must await completion of all work and its approval by the National Park Service. Should you have any questions concerning this process, please contact

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the October 9, 2009, denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-KS
IRS